

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 17-5553-KS

Date: March 6, 2018

Title Daniel Grant Quick v. Scott Kernan

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On July 27, 2017, Petitioner, a California state prisoner proceeding *pro se* and *in forma pauperis*, filed a Petition for Writ of Habeas Corpus. (Dkt. No. 1.) On August 2, 2017, the Court issued an Order Requiring Answer/Return to Petition specifically informing the parties of their obligation to notify the Court of any change of address. (Dkt. No. 5.) On October 11, 2017, Respondent filed an Answer. (Dkt. No. 9.) On October 27, 2017, Petitioner filed a Denial To The Answer. (Dkt. No. 12.) On January 22, 2018, Petitioner filed a Notice of Change of Address in which he informed the Court he had been released from prison and provided an address for someone whom Petitioner claimed was his attorney. (Dkt. No. 15.) On January 26, 2018, the Court issued a Minute Order requiring Petitioner to file a change of address in which he provided *his* current address on or before February 10, 2018. (Dkt. No. 16.) The Court further advised Petitioner that if he had obtained an attorney to represent him in this action, his attorney must file a Notice of Appearance in this case on or before February 10, 2018 and informed Petitioner the Court would presume he continued to represent himself until such Notice of Appearance of counsel had been filed. (*Id.*)

More than three weeks have now passed since the date on which Petitioner's change of address was due, and Petitioner has neither filed a change of address nor communicated with the Court about his case. Similarly, no counsel has filed a Notice of Appearance in this case.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if the party bringing the suit "fails to prosecute or to comply with these rules or a court order." Accordingly, the Court could properly recommend dismissal of the

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action for Petitioner's failure to prosecute and timely comply with the Court's August 2, 2017 Case Management Order.

However, in the interests of justice, Petitioner is **ORDERED TO SHOW CAUSE on or before April 5, 2018**, why the Court should not recommend that this action be dismissed for failure to prosecute. Petitioner may discharge this Order by filing a change of address that provides *his* address along with a declaration signed under penalty of perjury that establishes good cause for his failure to comply with the Court's August 2, 2017 Order. Alternatively, Petitioner may dismiss the entire matter without prejudice by filing a Notice of Voluntary Dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Petitioner is advised that his failure to timely comply with this Order will result in a recommendation to dismiss this case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Initials of Preparer

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